

REMARKS**I. INTRODUCTION**

Claims 1-12 are pending in the present application, and claims 8 and 12 have been amended. No new matter has been added. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 101 REJECTION SHOULD BE WITHDRAWN

Claim 12 stands rejected under 35 U.S.C. § 101. The Examiner rejected claim 12 because the claimed invention is directed to a non-statutory subject matter. (See 4/11/07 Office Action, pp. 2). Claim 12 has been amended to overcome this objection. Applicants submit that amended claim 12 is now in allowance with 35 U.S.C. § 101 and the rejection should be withdrawn.

III. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

The Examiner has rejected claim 8 under 35 U.S.C. § 112 as failing to comply with the written description requirement. In view of the amendment made to claim 8, withdrawal of this rejection is respectfully requested.

IV. THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-5 and 7-12 stand rejected under 35 U.S.C. § 102(e) as unpatentable over U.S. Patent No. 6,987,221 to Platt (hereinafter "Platt"). (See 04/11/07 Office Action, p. 3).

Platt is directed toward a system for generating playlists for a library or collection of media items. The system uses information from pre-selected items to automatically generate a playlist. The user rates different seed items, either positively or negatively. The system then

generates a playlist depending on the items that are desirable and undesirable. The system compares the seed items with the media items in the user's collection and generates a playlist. Once the playlist has been generated, it can be re-generated by adding desirable seed items to the current playlist. (See Platt Abstract)

Claim 1 recites an "identifying means for identifying that the user concurrently uses a second content of a second type, said second content being unrelated with the first content, and associating means for associating said content with the first content." The Examiner states that this recitation of claim 1 is disclosed in Platt at column 4, lines 17-20 and column 2, lines 10-23. (See 4/11/07 Office Action, p. 3). Applicants respectfully disagree.

The invention claimed in claim 1 recites an identifying means for identifying that the user concurrently uses a second content of a second type. This refers to the user having the ability to play two different types of media simultaneously. As an example, the user can listen to music while watching a movie clip. The system as described in Platt allows the user to generate a playlist using desirable and undesirable seeds selected by the user. The system can play a multitude of media types such as music or movies. The system in Platt, however, does not have the ability to play a plurality of media content simultaneously. (See Platt col. 2, ll. 10-25). The system in Platt does not give the user the ability to listen to music while watching a movie clip. The claimed invention, however, does give the user the ability to listen to music while watching a movie clip. Therefore, Applicants submit that the identifying means as recited in claim 1 is not the same as the seed items used to generate the playlist as described in Platt.

The invention in claim 1 also recites an associating means for associating said second content with the first content. This refers to the system's ability to form an association between two different media contents that the user selects. As an example, if the user listens to music clip 1 and simultaneously watches video clip 1, the system will associate these two media contents together. This contrasts the system as described in Platt. In Platt the system analyzes seed items and produces a playlist from the same genre. The system can also produce a mixed group of genres similar to the seed items selected by the user. (See Platt col. 8, ll. 18-25). The system as described in Platt is the opposite of the invention claimed in claim 1. In the claimed invention

the system makes a manual association whenever a user plays two different types of media content simultaneously. This allows the system to automatically play the associated content whenever the other content is selected. (See Specification p. 2, ll. 9-18). In contrast, the system as described in Platt uses the information from the seed items to generate a playlist of similar items. This is an automatic process and is based solely on the system's ability to automatically compare genres. Therefore, Applicants submit that the associating means for associating said second content with the first content as recited in claim 1 is not the same as the seed items used to generate the playlist as described in Platt.

Thus, it is respectfully submitted that Platt does not disclose or suggest an "identifying means for identifying that the user concurrently uses a second content of a second type, said second content being unrelated with the first content, and associating means for associating said content with the first content." as recited in claim 1. Accordingly, Applicants respectfully request that the Examiner should withdraw the 35 U.S.C. § 102(e) rejection of claim 1. Applicants submit that claim 11 is also allowable for the reasons stated above. Because claims 2-10 and 12 depend from, and therefore, include all the limitations of claim 1, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

V. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claim 6 stands rejected under 35 U.S.C. § 103() as unpatentable over Platt in view of U.S. Patent No. 6,392,133 to Georges (hereinafter "Georges"). (See 04/11/07 Office Action, p. 8).

Platt is directed toward a system for generating playlists for a library or collection of media items. The system uses information from pre-selected items to automatically generate a playlist. The user rates different seed items, either positively or negatively. The system then generates a playlist depending on the items that are desirable and undesirable. The system compares the seed items with the media items in the user's collection and generates a playlist. Once the playlist has been generated, it can be re-generated by adding desirable seed items to the current playlist. (See Platt Abstract)

Georges is directed to an automatic soundtrack generation device. The system automatically generates music or other sounds which can be mixed with, or replace, the originally recorded sound. The automatic selection of the music or sounds can be integrated into either the recording or the playback of the file. The system has the ability to pseudo-randomly select pieces within a specified music style, wherein the files meet specified criteria, and playing said files during video recording or playback. (See Georges col. 2, ll. 5-50).

Applicants submit that neither Platt nor Georges, alone or in combination, teach or suggest claims 1. Because claim 6 depends from and, therefore, includes all the limitations of claims 1, it is respectfully submitted that this claim is allowable for at least the reasons stated above.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

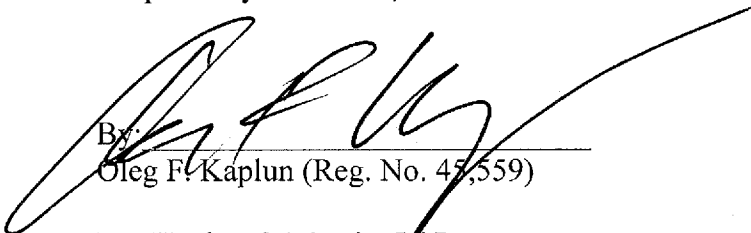
Please direct all future correspondence to:

Paul Im, Esq.
IP Counsel

Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9602
Fax: (914) 332-0615
Email: paul.im@philips.com

Respectfully submitted,

Dated: July 10, 2007

By: 
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Phone: 212-619-6000
Fax: 212-619-0276